

Remarks By  
George Deukmejian  
before the  
California Performance Review Commission  
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Honorable Chairpersons Kozberg and Haak and members of the Commission.

The Legislature and the media have been reporting on California's six billion dollar Correctional System. Their message has been the same . . . out of control costs; a high recidivism rate; abuse of inmates and juvenile wards by correctional staff; a disciplinary system that fails to punish wrongdoers; and the failure to deliver mandated health care to inmates and juvenile wards.

In reality, the majority of correctional officers are hard-working individuals engaged in a difficult job. But they are working in a defective organizational structure which has no accountability, no uniformity and no transparency.

Recognizing that immediate improvements must be made, Governor Schwarzenegger appointed an independent panel to look at the entire corrections system and to recommend changes. I was honored to Chair this panel.

The Governor and his staff assembled almost forty panel members who were loaned to us from the Department of Corrections, the Office of the Inspector General and other State Departments. We divided the research into eight teams; Organization, Ethics and Culture, Discipline, Use of Force, Personnel and Training, Risk Management, Population Control and Prison Closures. The teams spent four months reviewing approximately 400 reports on the subject matter, including over forty Inspector General reports which were never made public. We interviewed approximately 470 individuals including experts in the field, legislators and interested parties. We sponsored all-day seminars where we brought in successful administrators in adult and juvenile corrections from around the country. As a result, we have developed a series of 239 recommendations that will allow Corrections to reestablish itself as the best system in America. Some of these recommendations may cost money . . . many will save taxpayers money . . . and some will require legislative action. Most important, most require a change in the ethics and culture of the organization . . . but it must happen!

The logical first step was to look at the organizational structure of Corrections. It is totally ineffective. The Secretary has no line control over operations. Over thirty wardens are basically operating their prisons and juvenile facilities, independently, with no uniformity. To compound the problem, each warden must be confirmed by the Senate, and the confirmation usually is not approved if there is an objection from the California Correctional Peace Officers Association, the employees union. No one is held accountable for his actions.

We are proposing a Civilian Corrections Commission to head the Department of Corrections. The Commissioners will be appointees of the Governor and be responsible for all policy within the organization. We like to think of them as the Board of Directors while the Secretary serves as the Chief Executive Officer. The Civilian Commission will hold public meetings which will ensure transparency. The Inspector General will be able to submit his reports to the Commission, in a public forum. No longer can inappropriate actions be covered up.

We have also recommended that the Secretary be given real operational authority to guide the organization. We have developed a structure that "flattens" the organization by removing unnecessary levels of management, focusing management and resources at the lowest responsible level of operations. Most importantly, we are recommending the end of legislative confirmation for operational personnel. Wardens must owe their allegiance to the organization . . . not to the union or the Legislature.

The new organization structure will also establish central control over budget, internal affairs, risk management, technology, health care, labor relations, personnel and training, and research and planning. The entire Department will be able to operate according to the same policies and guidelines.

Within the framework of the new organization the next big task is to change the Ethics and Culture, including the "Code of Silence". This has been compared to turning an aircraft carrier around in a lake. The "Code of Silence" is common to many professions but it becomes more insidious when practiced by an organization whose goal is to protect public safety. It seriously erodes public trust. Employees must be loyal to a set of principles, to the organization and not to an individual.

It starts with the hiring. Corrections must ensure that applicants possess the highest standards of integrity. A thorough and detailed background investigation must be conducted. Once hired, the employee should be required to sign a Code of Conduct which clearly defines what is expected of him, or her, and what will occur if he or she does not comply. Those who fail to report misconduct must be immediately disciplined and those who do must be praised and protected from retribution.

Ethics training must be instilled into every training course and management must always set the example. Supervisors should be selected on their ability to display the leadership and courage necessary to reinforce the ethical principles of the department. When an employee becomes convinced that the Department is fair and ethical, the "Code of Silence" will diminish.

Training within Corrections is almost non-existent. There are no job descriptions. We invited six wardens to talk to our panel and not one of them had received special training before assuming their duties. Suddenly, they were thrust into problems with budget, health care, deployment, discipline and labor relations. They all learned while doing the job. Some are successful . . . some are not.

Our recommendations establish a centralized training command and establishes schools for supervisors, mid-management and executive employees. No employee would be able to assume his or her duties until he or she has successfully completed their training for their new position. We want to mentor and guide employees throughout their career so that the organization can develop a succession plan with qualified, experience professionals.

Discipline is not uniform. Each warden handles disciplinary problems with no guidelines or uniformity. We seek to establish a centralized Internal Affairs Unit which will operate uniformly throughout the organization. We are recommending that a matrix be developed which clearly outlines for employees what punishment they can expect to receive if misconduct occurs.

It is also important that an adequate investigation be conducted anytime force is used on an inmate or juvenile ward. We are recommending specialized, well-trained teams to conduct these investigations. We must rebuild the public's confidence in the integrity of Corrections' investigations.

Almost all successful lawsuits against Corrections have involved the way health care is administered to inmates and juvenile wards. It is not only difficult but it is also not cost-effective for correctional officers to engage in health care matters. We are proposing that the Department enter into an agreement for a pilot

program with the University of California to manage the health care system for the Department. If successful, the goal will be to establish the program for the entire health care system for Corrections. We are confident that the service will be better and the costs will be less.

Instead of waiting for a law suit to develop, the Department must have an active, risk management unit to anticipate potential problems and to quickly make the necessary training or policy decisions to alleviate the problem. We have recommended such a unit.

We are also recommending the establishment of an Office of Fiscal Affairs. Someone must be held accountable for the severe budget overruns which continually occur in Corrections. Any business would be bankrupt if it ran its business the way Corrections operates. It's not just the State's money that is being wasted, it is tax payers money. A strong fiscal team should ensure that Corrections can do the job while emphasizing cost-effective practices.

Finally, and most important, we have to change the way we treat inmates and juvenile wards. A seventy percent recidivism rate, one of the highest in the nation, is unacceptable. Public safety is not served if we are just recycling the same offenders. We have to provide education and occupational services to inmates and juvenile wards while they are in our custody in order to ensure that they don't return. We have to change our attitude toward non-violent offenders so that they can receive community-based assistance as an alternative to recommitment to prison. This is not about coddling criminals . . . this is about protecting the public by ensuring that offenders do not commit additional crimes.

We have provided the administration and the Legislature with an exceptional blue print to remodel our correctional systems. Restoring the corrections system is a huge job . . . it will require an unmatched commitment to changes in policy and law and a dramatic change in the culture of the organization. In the long run, it will prove to be cost-effective. In the long run, it will increase public safety and establish California's correctional system as the most highly regarded system in the nation. It will become the national leader in keeping with California's status as the leadership state.

I respectfully urge your honorable Commission to recommend that the Governor and Legislature adopt our recommendations and implement the blue print we have submitted, as quickly as possible.